

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of:  
Fries, et al.

Serial No. 10/787,345

Filed: February 26, 2004

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Examiner: Binh Kien Tieu  
Confirmation No.: 3974  
Group No.: 2614

For: Computerized System and Method for Updating the Layout of a Telecommunications Network

Commissioner for Patents  
Post Office Box 1450  
Alexandria, VA 22313-1450

Dear Sir:

**REQUEST FOR RECONSIDERATION OF HOLDING OF ABANDONMENT**

Regarding the Notice of Abandonment mailed September 23, 2008, Applicant asserts that there is no abandonment in fact. Per MPEP 711.03, Applicant requests the Examiner to reconsider the holding of abandonment because the failure to reply was unavoidable as per 37 CFR 1.137(a).

**REMARKS**

A Notice of Abandonment has been received by the practitioner. The Examiner asserts that Applicant has failed to timely file a proper response to the Office Action mailed on December 19, 2007.

Applicants contend, however, that the abandonment should be rescinded as Applicants failure to reply was unavoidable. In particular, Applicants did not receive this Office Action.

Attached is a Declaration affidavits signed by the IP docket and file coordinator and Senior IP docket clerk for your review and a copy of the docket indicating that no Office Action was received for that date.

The below signed practitioner searched the file jacket for this application and the contents therein and found no indication that the non-received Office Action was ever received. A status request (copy attached) was filed with the Patent Office on May 7, 2008, but no response was ever received.

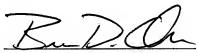
As the Applicants had not received the Office Action dated December 19, 2007, the abandonment is in error and rescission of the abandonment in accordance with 37 C.F.R. 1.181(a) and MPEP 711.03(c) is hereby requested. Acknowledgment of the active status of this application is respectfully requested.

Applicant contends the abandonment of the above-identified application is a result of the U.S. Patent Office, thus no fee is enclosed with this Petition. The Commissioner is hereby authorized to charge any additional fees required, as well as any patent application processing fees associated with this communication for which full payment has not been tendered, to Deposit Account No. 19-3140.

Acknowledgment of the active status of this application is respectfully requested.

Respectfully submitted,

Date: 11/1/08

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